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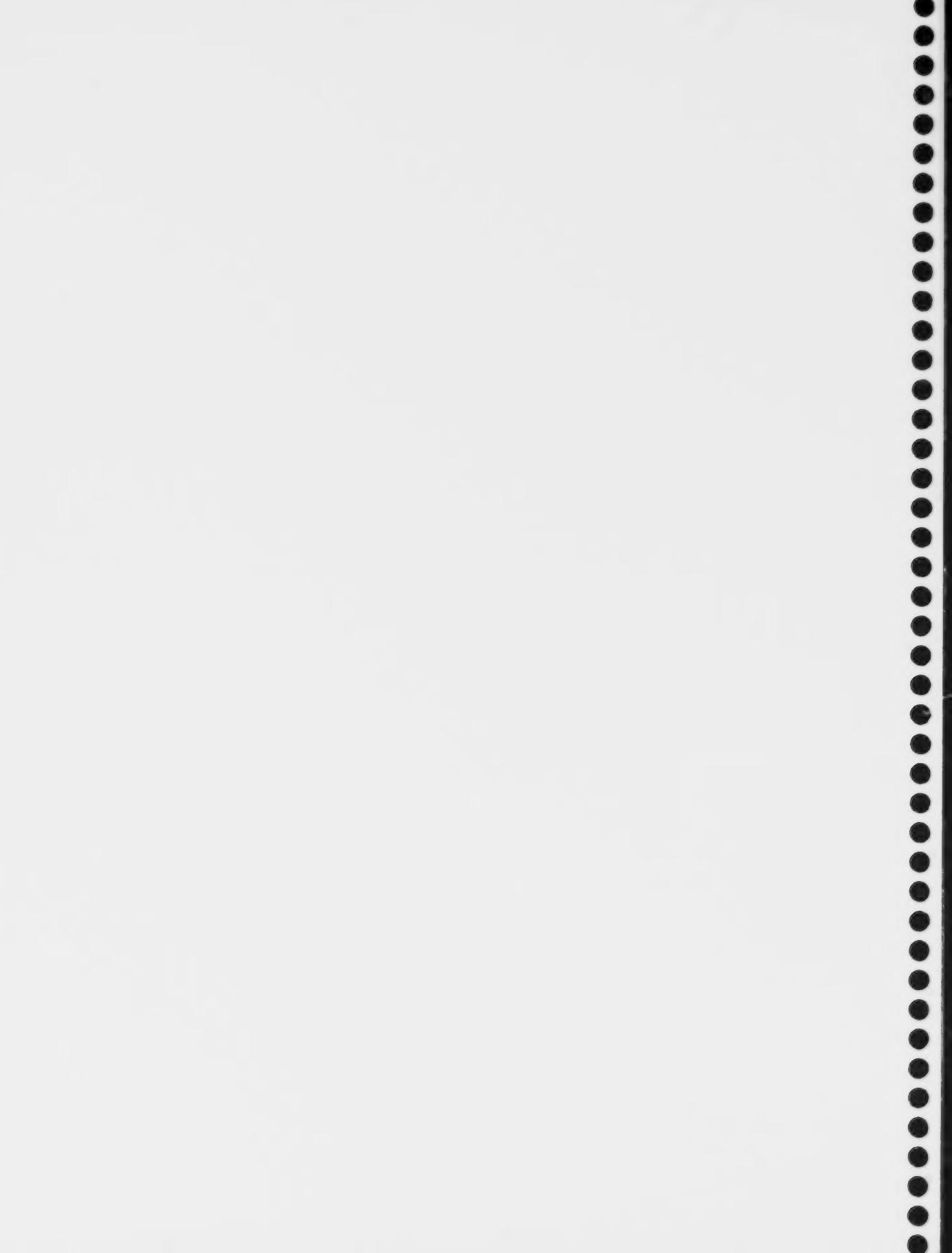


CHILD & FAMILY SERVICES  
REVIEW BOARD  
CUSTODY  
REVIEW BOARD

# Annual Report

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2007–2008



**Child and Family  
Services  
Review Board  
Custody Review Board**

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Ontario

October 31, 2008

**The Honourable Deb Matthews  
Minister of Children and Youth Services  
56 Wellesley St. W, 14th Floor  
Toronto, ON M5S 2S3**

Dear Minister Matthews:

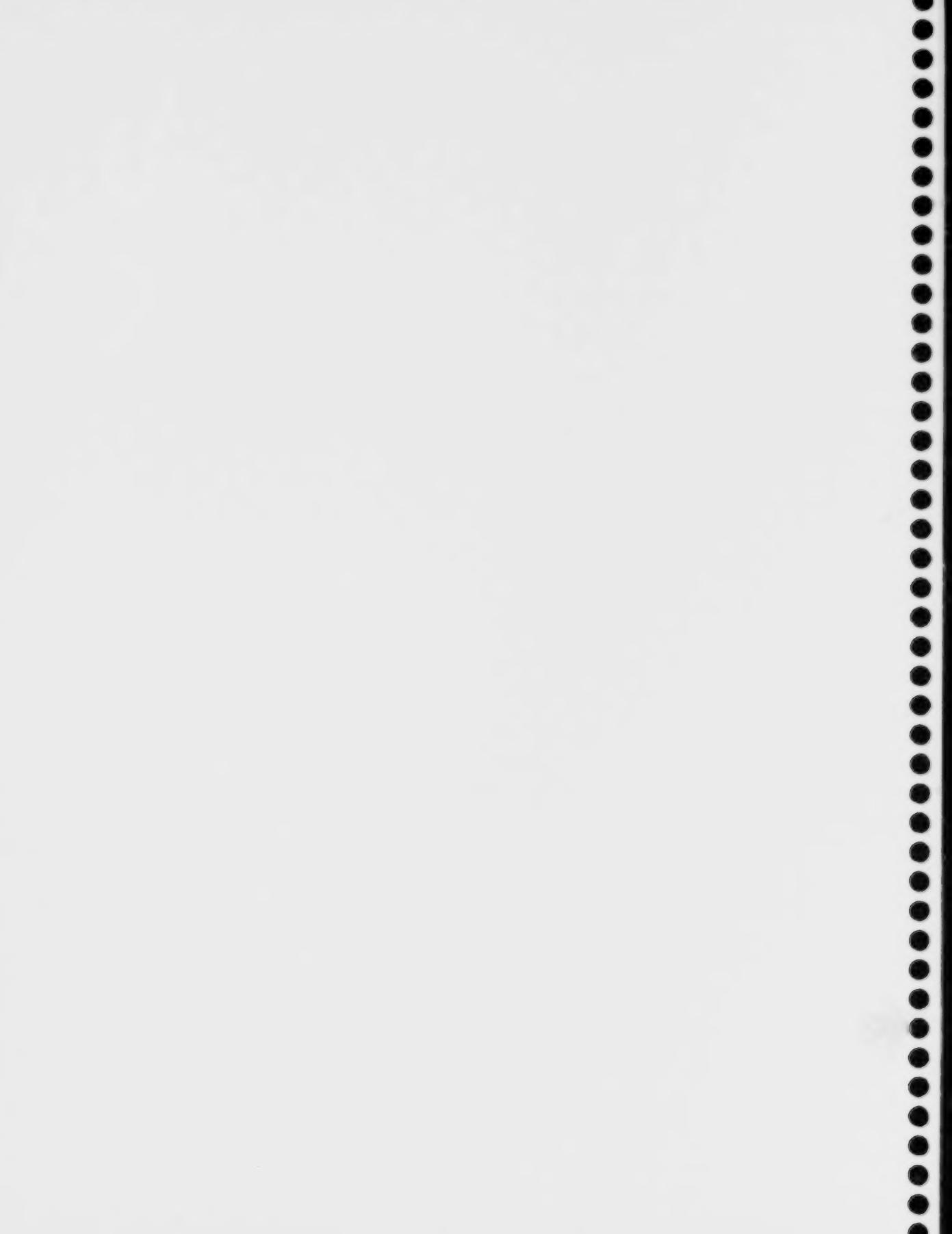
It is my pleasure to present to you the Child and Family Services Review Board and Custody Review Board's annual report for the period of April 1, 2007 to March 31, 2008.

I would like to take this opportunity to thank your office and the office of the Deputy Minister for support and assistance during this period of great change.

Regards,

*Suzanne Gilbert*

**Suzanne Gilbert  
Chair**



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## **Message from the Chair**

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I am pleased to present the 2007–2008 Annual Report of the Child and Family Services Review Board (CFSRB) and Custody Review Board (CRB)<sup>1</sup>. This was an exciting year where the Board experienced both growth and challenges. The Board made great strides in building a solid foundation for an efficient administrative tribunal with a high standard in its adjudicative functions. It is apparent that the Board is beginning to establish itself as an important component of the child welfare system in Ontario.

The Board was created to provide an impartial and safe place for people to address concerns that deeply affect their lives and the lives of their children and families. It is a place where people challenge decisions made by authorities in the child welfare, educational, mental health and youth justice systems and as such, it operates in an environment of strained relationships between applicants and service providers.

In this environment, the Board is assisting parties to come to a better understanding of their respective positions. The Board has received positive feedback from applicants that regardless of the Board's decision, they felt their concerns were heard in a fair and respectful manner.

A great deal of the Board's time and energy was spent ensuring a high quality in the adjudicative process, both in the hearing room and in the decisions rendered by the Board.

Among many projects, the Board also focused on the creation of a website to provide information and access to all areas of the Board's work. Most importantly, the Board's decisions will be easily accessible to the public in a form where all identifying information has been removed.

In conclusion, I am very proud of the work of Board members and staff. Without their contribution and dedication, the Board would not have been successful in its many achievements to date.

*Suzanne Gilbert*

Suzanne Gilbert  
Chair

<sup>1</sup>CFSRB and CRB are referred to collectively and individually as the Board.



The 2007 - 2008 fiscal year marks the first full year of our expanded mandate as the independent adjudicative body responsible for reviewing and hearing applications related to amendments to the *Child and Family Services Act* (*C.F.S.A.*) in November 2006 and the *Vital Statistics Act* (*V.S.A.*) in January 2007. Much of this year's activity focused on transforming our organization to ensure that appropriate resources were in place to meet legislative requirements. The Board regarded the change in mandate as an opportunity to review its existing operations. Substantive operational improvements were made to the Board's adjudicative and administrative structures and major steps were taken to modernize and improve its operations.

## Volume of Work

The Board managed a substantial increase in the volume of work in this fiscal year. In fact, the overall number of applications increased by approximately 150% over the previous year. The actual number of applications related to amendments to the *C.F.S.A.* exceeded the initial projection of 160 applications in the first full year of operation.

The following chart provides a summary of Board applications since the amendments to the *C.F.S.A.* and the *V.S.A.*

	2006 Actual	2007 Projected	2008 Actual
<i>Child and Family Services Act</i> – Review of certain CAS decisions and complaints	41	171	225
<i>Child and Family Services Act</i> – Review of Emergency Secure Treatment admissions	21	21	42
<i>Child and Family Services Act</i> – Review of Residential Placement Advisory Committee recommendations	3	3	3
<i>Education Act</i> – Appeals of School Board Expulsion decisions	10	10	25
<i>Vital Statistics Act</i> – Applications for an Order to Prohibit the Disclosure of Adoption Related Information	0	100	0
<i>Child and Family Services Act / Ministry of Correctional Services Act</i> – Review of Decision by a Provincial Director Regarding the Placement of a Youth in Custody	75	72	75
<b>Total</b>	<b>150</b>	<b>377</b>	<b>370</b>

As a result of the volume of applications related to the *CFSI* amendments, the Board experienced a 450% increase in the number of hearings in this fiscal year. The overall number of applications that proceeded to a hearing increased from 19 in 2006–2007 to 87 in 2007–2008. The jurisdiction of the Board was challenged in 45% of these applications. The length of a hearing varied from one to six days. In addition, the Board conducted 94 in-person pre-hearings or teleconferences. The applications and hearings related to sections 61, 68 and 144 of the *CFSI* were complex and often required a great deal of staff contact with both applicants and respondents.

During the period of April to September 2007, the Board received 100 applications and started to complete approximately 30 written reviews related to the *Vital Statistics Act*. In September 2007, the Superior Court of Ontario ruled that certain sections of the *VSA* were unconstitutional and as a result, the Board made a decision to suspend all reviews under the *VSA*.

On December 10, 2007, the Government of Ontario announced that it would not challenge the Court's decision and introduced new adoption information legislation removing the Board's jurisdiction to hear these applications. Despite the reduction in work resulting from legislative changes to the *VSA*, it is expected that the overall work of the Board will continue to increase in the next fiscal year.

The Board not only expects the number of applications related to sections 61, 68 and 144 of the *CFSI* to increase, but also projects an increase in the number of school board expulsion applications as a result of amendments to the *Education Act* on February 1, 2008. These legislative amendments revoked the principal's authority to expel a student. Only a school board may expel a pupil from his or

her school or from all schools of the school board. School Boards and School Authorities are now required to advise students, parents or guardians of their right to appeal all school board expulsion decisions to the Child and Family Services Review Board.

## Adjudicative Functions

The Board recruited and trained nine additional part-time Board members in addition to the five part-time Board members who were appointed in 2006–2007. Board membership included one full-time Chair, two full-time Vice-Chairs and 22 part-time Board members over the course of this fiscal year. All Board members are also appointed to the Custody Review Board.

In this fiscal year, the Board made marked improvements to its policies and procedures, which demonstrates its commitment to providing a high standard of adjudicative excellence. The Board developed and implemented a more structured interview process in order to recommend the appointment of Board members. The Board also developed position descriptions for Board members and defined core competencies. Additionally, performance appraisals were implemented and a committee of Board members developed a *Code of Conduct*. Guidelines for interpretation of the *Public Services of Ontario Act* concerning conflict of interest were adopted. Board training was provided for each of these new initiatives.

As part of the Board's hearing process for complaints made under sections 68 and 68.1 of the *CESA*, a settlement facilitation program (mediation) was under development. Prior to holding an oral hearing for these applications, the Board is required under its legislation to conduct a pre-hearing.

The Board will give applicants and children's aid societies the opportunity to participate in settlement facilitation at the pre-hearing. Settlement facilitation is a voluntary process used to assist applicants and children's aid societies in resolving their disputes. A Board member will act as a neutral third-party facilitator to assist the parties to arrive at a mutually agreed upon outcome. This model is consistent with alternative dispute resolution models used in Ontario's administrative tribunals and courts to settle matters in a non-adversarial manner and may reduce financial and other costs to the parties. The Board is confident that settlement facilitation will be fully implemented in the summer of 2008. A review of the program will be conducted after the first year of implementation.

In June 2007, the Board provided three days of training on all areas of the Board's mandate for nine new members.

All Board members participated in two general training sessions. Staff was invited for part of each training session. In total, five days of general training sessions were organized in October 2007 and February 2008. Training topics included job descriptions, core competencies, code of conduct and performance appraisals for Board members, and writing reasons for decisions. The amendments to the *Education Act* that came into force in February 2008 were the subject of one of the training sessions with a review of rules of procedure and evidence. Training was also provided on the history and issues affecting Aboriginal people in Ontario. In each training session, the Board's Lawyer provided a legal update on the Board's jurisprudence and any other relevant decisions of higher courts.

The Board would like to acknowledge the cooperation and involvement of the Office of the Children's Lawyer (OCL). The OCL agreed to represent children before the Board, especially for applications under sections 61 and 144 of the *CESA*. This relationship started in the early days of the implementation of amendments to the *CESA*. Their involvement ensured that children's voices were heard.

## Operational Support to Adjudicative Functions

The Board requires a highly skilled and knowledgeable workforce in order to manage the complexity and volume of applications, while continuing to provide excellent customer service. Staff have been hired and trained to handle all aspects of case management, as well as to provide administrative support to the Board. It is the Board's priority that people are treated with courtesy and respect and that applications are processed and reviewed in a timely manner. Policies, procedures, templates and workflow processes have been developed and will continue to be improved to support the ongoing work of the Board.

In the previous fiscal year, the Board managed its operation with a temporary administrative staffing model. This model presented significant challenges as a result of staff turnover. During 2007–2008, the Board began to move from a temporary to a more permanent staffing model.

The Board is in the process of completing a review of the first full year of implementation of the amendments to the *CFSI*. Questionnaires were developed for the purpose of collecting and analyzing data to assess various performance measures and to obtain detailed demographic information. When this review is completed, issues and trends will be identified and the Board will have a clearer understanding of its strengths, as well as areas requiring improvement. Depending on the results of this review, the Board will make recommendations to the Ministry of Children and Youth Services (MCYS) and will continue to streamline and adjust Board processes as required.

## Accountability

The Board is accountable to the Government in exercising its mandate and made improvements to increase its accountability. As the Board was funded by MCYS, the Ministry of Community and Social Services (MCSS) and the Ministry of Education (MEDU), a Memorandum of Understanding with MCYS accompanied by Letters of Agreement with MCSS and MEDU were completed. They are now in the final stages of approval by MCYS. Letters of Agreement with MCSS were withdrawn when it was determined that the Board's jurisdiction was no longer valid under the *CFSI*.

The Board is also in the process of developing additional policies and procedures to ensure it complies with government directives. In addition, the Board began to develop a three-year business plan to identify strengths and areas requiring attention within the Board's operations and to begin a strategic planning process. The business plan will be presented to the Minister of Children and Youth Services for approval in June 2008.

## Modernization

The Board purchased an automated case management system. This means that the Board will no longer rely on manual systems to manage all aspects of its operations. Automated support will enhance such business areas as intake processing, case queries, scheduling, document management, workflow, notice and report generation. It will also improve the Board's ability to provide timely and accurate statistical analysis and reports. The Board looks forward to implementing the case management system in 2008–2009.

With the increased volume of Board work and a greater demand for information, the Board devoted considerable time to develop its own website. This website is necessary to communicate with the public and will provide information about the Board's history and mandate, details of how to submit an application and information about Board processes and procedures. Most importantly, all Board decisions will be posted on its website after identifying information has been removed. Additionally, the website will support the Board's goal to be open and transparent to the public and will provide links to government related services. The Board expects to launch its website in the spring of 2008.

The Board's history does not appear in this report and will be accessible on the Board's website at [www.cfsrb.ca](http://www.cfsrb.ca).

## Who We Are

In 2007–2008, the Board was comprised of 25 Board members and was supported by a team of 12 administrative staff.

Board members come from a variety of backgrounds in the legal, social services and education fields. The Board's membership is diverse, with representation from many different communities. Bilingual Board members are available to conduct hearings in both official languages.

Board members reside in communities throughout the province, allowing the Board flexibility to schedule hearings in close proximity to the applicants. The Board's administrative offices are located in downtown Toronto.

The *CFSI* has set out the following requirements to become a Board member:

- A degree, diploma or certificate granted by a university or other post-secondary institution authorized to grant such credentials in Ontario or equivalent qualifications, as determined by the Chair of the Board, and at least one year's experience working in or volunteering in children's services or social services; or,
- At least five years' experience working in or volunteering in children's services or social services.

In order to become a Board member, potential candidates submit an application to the Public Appointments Secretariat. The selection process for both Boards includes a review of applications to determine if candidates meet the requirements, followed by structured interviews.

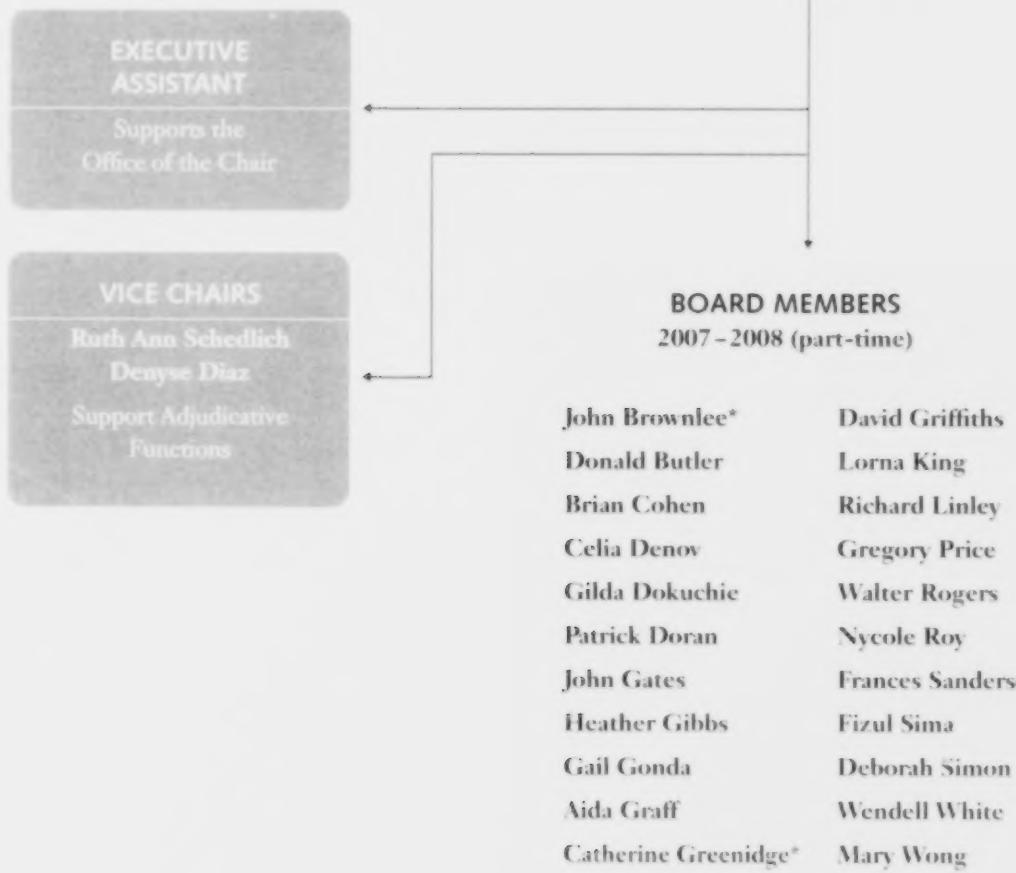
The Board Chair recommends candidates to the Minister of Children and Youth Services for consideration. Board members are appointed by the Lieutenant Governor in Council for terms of two, three and five years.

The Board will continue to work with the Public Appointments Secretariat regarding recruitment of members to ensure its capacity to manage the increase in work volume.

In the 2008–2009 fiscal year, the Board anticipates that the volume of work will increase and stabilize. At that point, the Board will have a clearer understanding of the profile and number of Board members required to meet its needs.

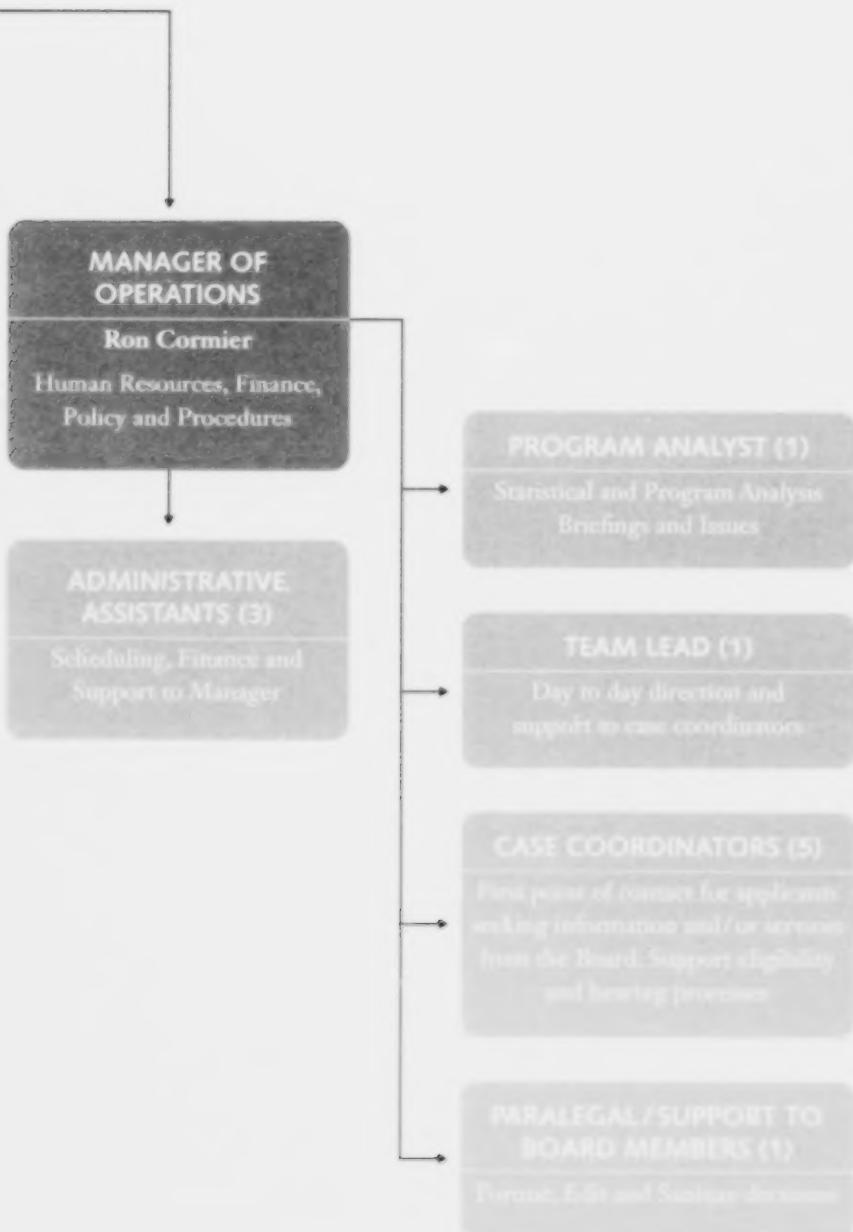
## CFSRB / CRB Organizational Chart

The following chart represents the organizational structure of the Child and Family Services Review Board and Custody Review Board, as of March 31, 2008.



\*Board members who left the Board in this fiscal year.





## **What We Do**

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## The Child and Family Services Review Board (CFSRB)

The Board's legislative responsibilities continue to be wide and varied as reflected by the different pieces of legislation summarized below:

### **UNDER THE CHILD AND FAMILY SERVICES ACT, THE CFSRB IS MANDATED TO REVIEW:**

- Residential Placement Advisory Committee recommendations with respect to a child's residential placement pursuant to s.36;
- A children's aid society decision to remove a Crown ward, where the child has resided continuously with the foster parent for two or more years pursuant to s.61;
- Certain client complaints related to children's aid societies pursuant to s.68 and s.68.1;
- Emergency admission of a child to a secure treatment program pursuant to s.124;
- A Director's decision to refuse to approve a proposed adoption placement, or to impose a term or condition on an approval, pursuant to s.142;
- A decision of a children's aid society to refuse an application to adopt a particular child or a decision of a society or licensee to remove a child from an adoption placement pursuant to s.144.

### **UNDER THE EDUCATION ACT, THE BOARD HEARS APPEALS OF:**

- School Board expulsion decisions pursuant to s.311.7 since February 1, 2008. Prior to this time, the Board had jurisdiction under s.311(5).

### **UNDER THE INTERCOUNTRY ADOPTION ACT, THE BOARD REVIEWS:**

- A Director's refusal to approve a person as eligible and suitable to adopt for the purpose of an intercountry adoption or the attachment of conditions to a Director's approval pursuant to s.5.

- A Director's refusal to approve a proposed intercountry adoption or the attachment of conditions to a Director's approval pursuant to s.6.

## Custody Review Board (CRB)

The Custody Review Board hears applications and makes recommendations to Provincial Directors who perform duties with respect to youth in conflict with the law regarding the following:

### **UNDER THE MINISTRY OF CORRECTIONAL SERVICES ACT:**

Pursuant to s.52(1):

- A Provincial Director's decision to hold a young person in or transfer the young person to a maximum security facility (repealed but not yet proclaimed);
- A decision about a particular placement where a young person is being held, or to which the young person has been transferred;
- A Provincial Director's refusal to authorize a young person's temporary release or reintegration leave.

### **UNDER THE CHILD AND FAMILY SERVICES ACT:**

Pursuant to s.97(1):

- A particular placement where a young person is being held or to which the young person has been transferred;
- A Provincial Director's refusal to authorize the young person's temporary release or reintegration leave;
- The young person's transfer from a place of open custody to a place of secure custody.

## Statistics, Analysis & Comments

## Child and Family Services Review Board (CFSRB)

The following information provides the Board's statistics for each type of application, as well as analysis and comments. It is noted that some of the statistics will not balance as some applications are finalized over two fiscal years. Please refer to the appendix to find a description of each type of application.

### SECTION 61 OF THE CFSA

The number of applications increased from two in the last fiscal year to 14 in 2007–2008.

### STATISTICS

#### Section 61

<b>Applications Received</b>	<b>14</b>
<b>Eligible Applications</b>	<b>11</b>
<b>Ineligible Applications</b>	<b>2</b>
<b>Pre-Hearings</b>	<b>2</b>
<b>Hearings</b>	<b>6</b>
<b>Decisions Issued</b>	<b>3</b>
<b>Applications Withdrawn</b>	<b>5</b>
<b>File Closed due to No Contact</b>	<b>1</b>

### ANALYSIS

- Six oral hearings were conducted over 10 hearing days.
- Of the three decisions issued, the children's aid society's decision was rescinded in one application. The Board determined that it had jurisdiction in one application. This decision was upheld on judicial review. The Board determined that it did not have jurisdiction in another file.
- In three applications, decisions were not issued because of a withdrawal due to a settlement at, or after, a hearing.
- One application was closed due to lack of contact with the applicant. However, the Board was informed that this matter was settled.
- Six applications were settled during the entire process.
- In two applications that involved Native children, the Band exercised its statutory right to participate as a party.
- Children were represented by the Office of the Children's Lawyer in six applications.

### COMMENTS

The Board heard section 61 applications when the removal of a Crown ward had already taken place and the legally required written notice of the proposed removal had not been provided to the foster parents. The Board also heard applications from foster parents who had their foster care contract terminated by a children's aid society immediately after the society issued the written notice. The Board determined that it had jurisdiction if the applicant was a foster family at the time the written notice was issued.

## SECTION 144 OF THE CFSA

The number of applications increased from six in the last fiscal year to 18 in 2007–2008.

### STATISTICS

#### Section 144

Applications Received	18
Eligible Applications	12
Ineligible Applications	6
Pre-Hearings	2
Hearings	13
Decisions Issued	10
Applications Withdrawn	3

### ANALYSIS

- 13 oral hearings were conducted over 20 hearing days.
- Of the 10 decisions issued, the children's aid society's decision was rescinded in seven applications, confirmed in two applications and the Board determined that it did not have jurisdiction in one application.
- In one application where the society's decision was rescinded, the Board's decision was overturned on judicial review.

- Of the three applications that were withdrawn, one application was withdrawn prior to a scheduled hearing due to a settlement that occurred between the parties.
- In four applications that involved Native children and proceeded to a hearing, the Band exercised its statutory right to participate as a party.
- Children were represented by the Office of the Children's Lawyer in one application.

### COMMENTS

All of the applications challenged decisions made by children's aid societies. There were no applications requesting a review of decisions made by licensees. With the exception of one application where the child was removed from prospective adoptive parents, all applications involved the refusal of an adoption application.

## SECTION 68 OF THE CFSA

The number of applications increased from 33 in the last fiscal year to 139 in 2007–2008.

## STATISTICS

### Section 68

<b>Applications Received</b>	139
<b>Eligible Applications</b>	105
<b>Ineligible Applications</b>	28
<b>Decisions to Proceed to Oral Hearing</b>	96
<b>Written Reviews</b>	5
<b>Pre-Hearings</b>	85
<b>Hearings (Applications that proceeded to a hearing)</b>	50
<b>Decisions Issued</b>	56
<b>Applications Withdrawn</b>	28
<b>Files Closed due to No Contact</b>	13

## ANALYSIS

- 76 hearing days were scheduled to hear 50 applications received in this fiscal year or in the previous fiscal year. Some of the applications received in this fiscal year will be finalized in 2008–2009.
- Of the 50 applications that proceeded to a hearing, the Board's jurisdiction was challenged in 35 applications (70%). After a hearing, the Board determined that it did not have jurisdiction in 11 applications.

- The Board heard the merits of 28 applications. In 11 cases, a decision was made to dismiss the application. Orders were made in favour of applicants in 10 cases. Seven decisions will be made in the next fiscal year.
- Of the 28 applications that were withdrawn, 19 applications were withdrawn due to a settlement between the parties. 18 applications were settled either at a pre-hearing or shortly after a pre-hearing and one application was settled prior to an eligibility decision.
- Thirteen applications that were closed due to no contact between the applicant and the Board. The Board was informed that three applications were considered settled by the parties either at or after a pre-hearing conference.
- In summary, 21 applications were settled at or after a pre-hearing was conducted, 56 reasons for decisions on jurisdiction and/or merits were issued, five written reviews and 95 pre-hearing reports were completed in this fiscal year.

## COMMENTS

The majority of the applications (92%) were a direct complaint to the Board. Very few applicants requested a review of a decision made by a children's aid society's Internal Complaint Review Panel (ICRP). The Board does not have information to assess the reasons for the very low number of applications to review a decision made by an ICRP.

Children's aid societies challenged the Board's jurisdiction primarily on two grounds: the subject matter of the complaint was before the court and/or the allegations were the subject of a complaint made to a children's aid society prior to November 30, 2006.

The reasons for dismissing applications at the written review stage were mainly that the matter was already decided by the Court or the applicant did not seek or receive a service from a children's aid society.

In many applications multiple orders were made. In the majority of applications, the Board ordered societies to provide written reasons for a decision to the applicant. The Board also ordered societies to proceed with the complaint or to comply with the complaint review procedure established by regulation. In one application the Board redirected the matter to the society's ICRP for further review and ordered the society to provide reasons for their decisions.

All of the applications that were settled in the present fiscal year were not part of the Board's settlement facilitation initiative. The Board's settlement facilitation program will be implemented in the next fiscal year.

Finally, many applicants are self-represented and children's aid societies are represented by counsel. Consequently, staff is required to spend a great deal of time assisting applicants through Board processes. Self represented applicants require assistance from Board members to ensure their full participation in the hearing process.

## SECTIONS 48.5–9 OF THE VSA

### STATISTICS

#### *Vital Statistics Act*

Applications Received	100
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### ANALYSIS

- Of the 100 applications received, approximately 30 reviews were in the process of being completed prior to the Superior Court of Ontario's ruling in September 2007 declaring several sections of the *Vital Statistics Act* to be unconstitutional.

### COMMENTS

This work proved to be very challenging for the Board. At a procedural level, the Board had to develop strict procedures to ensure applicants' confidentiality. Staff demonstrated a high degree of professionalism with applicants who were often distraught and emotional.

Applicants were mostly elderly women who had never shared their personal situation with their friends and family. The sensitivity of this issue was demonstrated by applicants having to purchase post office boxes to avoid receiving communication from the Board at their home.

The Board did not issue any decisions for these applications. As the Board's jurisdiction is no longer valid, the Board is in the process of developing a records retention schedule to destroy all F.S.I files.

### **SECTION 311(5) (NOW 311.7) OF THE EDUCATION ACT**

There was no change in the number of safe schools / school board expulsion applications received in the 2007 - 2008 fiscal year.

### **STATISTICS**

#### **Safe Schools / School Board Expulsion Applications**

<b>Applications Received</b>	10
<b>Ineligible Applications</b>	4
<b>Pre-Hearings</b>	5
<b>Hearings</b>	4
<b>Decisions Issued</b>	5
<b>Applications Withdrawn</b>	4
<b>No Contact</b>	1

### **ANALYSIS**

- Four hearings were held over nine hearing days.
- In one application, the Board denied the school board's motion on jurisdiction.
- The Board confirmed the school board's decision in three applications and rescinded the school board's decision in one application.
- Of the four applications that were withdrawn, two applications were withdrawn due to a settlement between the parties. In both situations, a settlement occurred after a pre-hearing conference was held.

### **COMMENTS**

Two applications received were under the amendments to the *Education Act* that came into force in February 2008. The Board is anticipating an increase in the number of applications in the next fiscal year partly because school boards are now obligated to inform the parties of their right to appeal a school board expulsion decision to the Board.

## SECTION 124 OF THE CFSA

There was no change in the number of FSTA applications received in 2007 – 2008 fiscal year.

### STATISTICS

#### Emergency Secure Treatment Applications

<b>Applications Received</b>	21
<b>Hearings</b>	10
<b>Decisions Issued</b>	9
<b>Applications Withdrawn</b>	11

### ANALYSIS

- Of the nine decisions that were issued, the Board denied the child's request for release in six applications and granted the child's request for release in three applications. The Board will be issuing its reasons for decision in the next fiscal year for one application.

### COMMENTS

There are a few emergency secure treatment facilities in Ontario. The majority of applications were received from children placed at Youthdale Treatment Centre.

Withdrawn applications represent more than one half of the files. This is significant because applications are withdrawn after the hearing is already scheduled and this involves a considerable amount of work performed in very short timelines.

## SECTION 36 OF THE CFSA

There was no change in the number of applications received in this fiscal year.

### STATISTICS

#### Residential Placement Advisory Committee

<b>Applications Received</b>	3
<b>Ineligible Applications</b>	1
<b>Hearings</b>	2
<b>Decisions Issued</b>	2

### ANALYSIS

- Of the two decisions issued, the Board granted the child's request for transfer in one application and denied the child's request for transfer in the other application.

### COMMENTS

The Board will continue its review of the reasons for the low number of applications considering the number of children in care. The Board will report the findings of this review in the next fiscal year.

## Custody Review Board (CRB)

The CRB received 72 applications in 2007–2008, slightly lower than the 75 applications received in 2006–2007.

### STATISTICS

#### Custody Review Board

Applications Received	72
Hearings	2
No Jurisdiction	7
Applications Withdrawn / Resolved	24
Recommendations Issued	39

### ANALYSIS

- 2 oral hearings were conducted under the *Ministry of Correctional Services Act*. In both hearings, the Board confirmed the Provincial Director's decision.
- The Board determined that it did not have jurisdiction to make a recommendation in seven applications.
- 12 applications were withdrawn during the review process.
- The Board closed 12 files as the matter was resolved during the review process.

- Of the 39 recommendations issued, the Board confirmed the Provincial Director's decision in 26 applications and made other recommendations in 13 applications.
- 2 recommendations will be issued in the 2008–2009 fiscal year.

### COMMENTS

The Board usually conducts an inquiry or review through telephone calls.

A committee composed of Board members and staff was established to review the Board's processes regarding these applications.

# Financial Report

The 2007–2008 operating budget for the Child and Family Services Review Board and the Custody Review Board was approximately \$2.7 million. The Board received funding from the Ministry of Children and Youth Services in the amount of \$1.4 million and the Ministry of Community and Social Services in the amount of \$1.2 million. The Ministry of Education provided \$143,077 to the Board.

The total operating expenditures for 2007–2008 were approximately \$2.1 million resulting in a surplus of approximately \$594,000. The surplus was primarily related to the loss of the Board's jurisdiction under the *Vital Statistics Act*.

Included in total expenditures is a one-time cost of \$69,000 for the purchase of phase one of an automated case management system.

Approximately 43% of total expenditures were related to staff and full-time Board member salaries and benefits. Part-time Board member per diems, accommodation and travel costs, including Board hearing room rentals, represented 21% of overall expenditures.

While Board expenditures increased from 1.266 million in 2006–2007 to 2.149 million in 2007–2008, there was a 150% increase in the number of applications received and a 450% increase in the number of hearings conducted in the 2007–2008 fiscal year.

## Summary of Funding & Expenditures

	Total (000s)
<b>FUNDING</b>	
Ministry of Children and Youth Services	\$1,400
Ministry of Community and Social Services	\$1,200
Ministry of Education*	\$143
<b>Total Funding</b>	<b>\$2,743</b>
<b>EXPENDITURES</b>	
Salaries	\$1,028
Benefits	\$133
Member Per Diems and Travel	\$577
Legal Services	\$161
Supplies and Services	\$117
Other Expenses (e.g. Telephone & communications, consultant services)	\$133
<b>Total Expenditure</b>	<b>\$2,149</b>
<b>Surplus / (Deficit)</b>	<b>\$594</b>

\* Note: Funding from the Ministry of Education is provided to the Child and Family Services Review Board through a journal entry as expenses are incurred, up to a maximum of \$210,000.

ANNUAL REPORT

A Look to the Future

The 2007–2008 fiscal year included many activities that supported the ongoing work of the Child and Family Services Review Board. Many new initiatives began in this fiscal year and will be implemented or finalized in the coming year.

The 2008–2009 fiscal year will see the completion of a three-year Business Plan that will be submitted to the Minister of Children and Youth Services for approval. The Board will launch its website and implement an automated case management system. In addition, a review of the first full year of implementation of amendments to the *CFS* will be completed, a settlement facilitation program will be implemented and the Board will finish its review of the reasons for the low number of RPAC applications.

While the Board is looking forward to completing and implementing the above projects, the Board will also be developing an approach to address self-represented applicants and will begin an in-depth review of Custody Review Board activities.

The Board projects an increase in the volume of certain types of applications. As a result, the Board will continue to adjust its processes and find ways to improve its delivery of services. It is hoped that the volume of work will stabilize by the end of the next fiscal year, which will give the Board an opportunity to clearly define both its staffing needs as well as Board member requirements.

Most importantly, the Board will continue to work at maintaining a high quality of adjudicative excellence in the coming year.

## **Board Members**

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**SUZANNE GILBERT****Chair (October 2006–October 2008)**

Suzanne Gilbert was appointed full-time Chair of the Child and Family Services Review Board/Custody Review Board on October 18, 2006.

Ms. Gilbert is a lawyer and member of the Barreau du Québec. She obtained a « Licence en droit » from the University of Montreal, and a Masters in Health Law from the University of Sherbrooke.

Ms. Gilbert has extensive experience in the practice of law especially as it relates to criminal law, youth protection, adoption matters and administrative law. She was appointed counsel for a large number of children in a Provincial Inquiry Commission that investigated allegations of sexual abuse involving staff in a group home. She has also acquired significant knowledge about public administration at both municipal and provincial levels.

Prior to joining the Board, Ms. Gilbert was Assistant Deputy Chair of the Toronto Office of the Immigration and Refugee Board of Canada (IRB), Refugee Protection Division. During her ten years with the IRB, Ms. Gilbert held positions as Member and Coordinating Member of the Refugee Protection Division.

**DENYSE DIAZ****Vice Chair (October 2006–October 2008)**

Denyse Diaz was appointed part-time Vice-Chair in October 2006 and full-time Vice-Chair of the CFSRB/CRB in February 2007. Ms. Diaz practiced family law in the Durham Region and frequently appeared on behalf of the Office of the Children's Lawyer in custody/access disputes and child protection matters.

Ms. Diaz holds a Bachelor of Science from the University of Toronto, a Master of Social Work from Wilfrid Laurier University and a Bachelor of Laws from Osgoode Hall Law School. Ms. Diaz continues to be an active member of the Ontario Legal Aid Plan, Area Committee in Oshawa and the Durham Region Law Association.

**RUTH ANN SCHEDLICH****Vice Chair (August 2001–October 2012)**

Ruth Ann Schedlich was appointed as a part-time Board member in August 2001 and full-time Vice-Chair of the CFSRB/CRB in February 2007. Ms. Schedlich served as a trustee on the Durham District School Board for eleven years and as Chair and Vice Chair of the Durham District School Board. She served as acting part-time Chair and Vice Chair of the Child and Family Services Review Board and the Custody Review Board. Ms. Schedlich was a Director on the Ontario Public School Board's Association, The Learning Partnership and the Community Development Council of Ajax/Pickering. She has also worked with primary, junior and intermediate children in treatment classes at Grove School in the Durham District School Board for six years.

**JOHN BROWNLEE****(May 2007–September 2007)**

John Brownlee was appointed as a part-time Board member in May 2007. Mr. Brownlee left the Board in September 2007. He was a high school principal for 25 years and served as Deputy Mayor of Gravenhurst and Deputy Chair of the District of Muskoka for 11 years. Mr. Brownlee's community involvement has included serving as Chair of the Gravenhurst Wharf Committee. He holds a Master of School Administration and Special Education. Mr. Brownlee is an adjudicator with the Social Benefits Tribunal and was cross-appointed to the CFSRB/CRB.

**DONALD BUTLER****(December 2006–December 2008)**

Donald Butler was appointed as a part-time Board member in December 2006. Mr. Butler has been an Incumbent at The Church of the Nativity since 1991. Prior to this, Mr. Butler was an Assistant Priest at The Church of the Epiphany, a Priest at St. James' Cathedral, Senior Priest at St. John's Cathedral in Antigua and Associate Priest at St. Mary's Church in Belize. His community involvement includes working with Deans of Trinity College's ad hoc Committee on Theological Education of Blacks, The Black Anglican Coordinating Committee, and as the Community Chaplain at Scarborough Centenary Hospital.

**BRIAN J. COHEN****(May 2007–May 2009)**

Brian Cohen was appointed as a part-time Board member in May 2007. Mr. Cohen is a Toronto lawyer focusing on health law, patient advocacy, administrative law and civil litigation. He acts for persons with disabilities such as visual and hearing impairment and received the "Young Lawyers' Pro Bono Service Award" from the Canadian Bar Association.

**CELIA DENOV****(February 2007–February 2009)**

Celia Denov was appointed as a part-time Board member in February 2007. Ms. Denov has over thirty years of experience working in the fields of social services, health and women's issues. After working for the Ontario Public Service for 25 years, Ms. Denov retired at the level of Assistant Deputy Minister, Ministry of Community and Social Services in 2000. Ms. Denov was formerly a secondary school teacher in Tanzania with CUSO. Ms. Denov is currently working in public policy. She holds a Master of Social Work from the University of Toronto. Ms. Denov is an adjudicator with the Health Professions Appeal and Review Board of Ontario and was cross-appointed to the CFSRB/CRB.

**GILDA DOKUCHIE****(October 2005–October 2008)**

Gilda Dokuchie was appointed as a part-time Board member in October 2005. She is a Saulteaux from the Key First Nation community in Saskatchewan. She resided in the City of Thunder Bay since 1970 and was employed with Anishnawbe Mushkiki Mental Health Services. Ms. Dokuchie has ten years experience in the mental health profession as a counsellor and program coordinator. She previously worked for the Children's Aid Society developing programs for Aboriginal families.

**PATRICK R. DORAN****(May 2007–May 2009)**

Patrick Doran was appointed as a part-time Board member in May 2007. Mr. Doran obtained a Bachelor of Arts in Philosophy from Ottawa University and a Master of Arts in Counselling and Education from Niagara University. A former Catholic Priest, he has worked with and organized many volunteer community and church groups such as the Food Bank, Friendship Centre, Women's Shelter and Community Centre. Mr. Doran was previously an adjudicator with the Immigration and Refugee Board for nine years. He is an adjudicator with the Social Benefits Tribunal and was cross-appointed to the CFSRB/CRB.

**JOHN GATES****(October 2005–October 2008)**

John Gates was appointed as a part-time Board member in October 2005. Mr. Gates retired in 2004 following a 32-year career as a secondary school teacher. Throughout his career, Mr. Gates focused his community involvement in providing extra-curricular activities for youth in the fields of sports and recreation. He coached at both the school and community level and served on the Kincardine Recreation Board for four years, and the Ontario Municipal Recreation Association Board of Directors for 10 years where he earned the Lieutenant Governor's coveted Gold Corps d'Elit Award. Mr. Gates has instructed for the National Coaching Certification Program throughout southwestern Ontario, providing solid footing for new coaches in the basics of sportsmanship, fair play and equal opportunity for all participants. Since retirement Mr. Gates has assisted in a leadership role with the executive of the Kincardine Scottish Festival and with fund-raising efforts for the Women's House Serving Bruce & Grey.

**HEATHER GIBBS****(July 2007–July 2009)**

Heather Gibbs was appointed as a part-time Board member in July 2007. Ms. Gibbs is a lawyer specializing in the area of administrative law. In addition to her appointment as a part-time member with the Child and Family Services Review Board and Custody Review Board, Ms. Gibbs has been a member of the Environmental Review Tribunal since September 2006. While a member of the Immigration and Refugee Board of Canada from 1998 to 2006, Ms. Gibbs participated on various committees, including developing policy with respect to vulnerable claimants, and member professional development. Prior to her tribunal work, Ms. Gibbs held various positions at the United Nations High Commissioner for Refugees in Canada and Africa, (1994–1998) and conducted training on gender-related persecution and child refugees. She practiced law (1993–1994), and conducted policy and legal research (1992–1993) for the Human Rights Research and Education Centre. Ms. Gibbs was an intern at the Inter-American Legal Services Institute in Bogota, Colombia, where she worked with Colombian lawyers in research and public legal education. She holds a Bachelor of Arts from the University of Western Ontario and a Bachelor of Laws from the University of Ottawa.

**GAIL GONDA****(May 2007–May 2009)**

Gail Gonda was appointed as a part-time Board member in May 2007. Ms. Gonda recently retired from the Ontario Public Service following 20 years of service. From 1995 until 2006 she was the Administrator at Thistletown Regional Centre, a children's mental health centre directly operated by the Ministry of Children and Youth Services. She has also been active as a volunteer in a range of activities in support of sexual minorities. Ms. Gonda holds a Doctor of Philosophy in psychology and has worked in the field of children's mental health since 1980.

**AIDA GRAFF****(June 2007–June 2009)**

Aida Graff was appointed as a part-time Board member in June 2007. Ms. Graff was Dean of Women at Victoria College, the University of Toronto, where she also taught English Literature. As a community activist, Ms. Graff was involved with equity issues and presided over the Coalition for Visible Minority Women whose mandate was to fight racism and inequity. She was also the president of the Board of the Arab Community Centre of Toronto, a social service agency.

Ms. Graff was appointed to the Ontario Human Rights Commission in 1994, and served on that Board until 1998. In 1998 she was an appointed Board member to the Immigration and Refugee Board, and served on it until 2006.

**CATHERINE GREENIDGE****(October 2004–October 2007)**

Catherine Greenidge was appointed as a part-time Board member in October 2004 and appointed solely to the CRB in March 2007. Ms. Greenidge has many years of experience in the field of Child Welfare as a clinician in Quebec and as a probation officer in Young Offenders Services for Batshaw Youth and Family Centres. She also served as a cultural sensitivity trainer and cultural and clinical consultant on the agency's treatment team.

Ms. Greenidge was under contract with Child and Family Services of the County of Renfrew as a case supervisor for Crown wards.

**DAVID GRIFFITHS****(April 2006–April 2009)**

David Griffiths was appointed as a part-time Board member in April 2006. Mr. Griffiths holds a Bachelor of Science in Industrial and Manufacturing Systems Engineering and is currently a Program Manager with Symcor Inc. He is pursuing a part-time Master of Business Administration at the Schulich School of Business. Mr. Griffiths is a community pioneer who has been actively involved in community development initiatives for over 16 years. He is the former President of the Jamaican Canadian Association and is currently a member of the Toronto City Summit Alliance Steering Committee and Board member of Operation Black Vote Canada.

**LORNA KING****(April 2006–April 2009)**

Lorna King was appointed as a part-time Board member in April 2006. Ms. King has held various sales and management positions in the hotel industry for twenty five years. Ms. King is an active member of the community, has volunteered extensively and is currently the President of P.A.C.E. (Canada).

**RICHARD LINLEY****(December 2006–December 2008)**

Richard Linley was appointed as a part-time Board member in December 2006. Mr. Linley was called to the Ontario Bar in 1975 and since then, has practiced Criminal and Family Law, Real Estate, Wills and Trusts, and Private Corporation. Mr. Linley has served as a Municipal Councillor and as a Board member of the Board of Health, the Children's Aid Society and the Public Library. He holds a Bachelor of Arts from the University of Western Ontario and a Bachelor of Laws from the University of British Columbia.

**GREGORY PRICE****(May 2007–May 2009)**

Gregory Price was appointed as a part-time Board member in May 2007. Mr. Price was called to the Ontario Bar in 1978 and has engaged in a general law practice since then with considerable time devoted to Family Law and Alternative Dispute Resolution as a mediator and arbitrator.

He has experience working in the adoption and child protection fields and has represented varied litigants at trial and on appeal. He holds a Bachelor of Arts from York University and a Bachelor of Laws from Osgoode Hall Law School, York University.

**NYCOLE ROY****(May 2007–May 2009)**

Nycole Roy was appointed as a part-time Board member in May 2007. Ms. Roy obtained a Bachelor of Arts in Social Services from the University of Quebec in Hull and a Master of Arts Degree in Gestalt from Boston University. Before joining the Child and Family Services Review Board and the Custody Review Board in 2007, she worked as a Social Worker for the Youth Protection Sector in Hull, Quebec. In 1992, she accepted a position in Ottawa as a Program Development Adviser with Health Canada under the Family Violence Prevention Initiative. In 1994, she was appointed as a Board member with the Immigration and Refugee Board (IRB) in Montréal. In 1996, she was promoted to Coordinator within the IRB. In 2000, she was transferred to the Ottawa District office of the IRB.

**WALTER ROGERS****(July 2005–July 2008)**

Walter Rogers was appointed as a part-time Board member in July 2005. Mr. Rogers has over 30 years experience as a Social Worker and is currently a Case Manager at the South West Community Access Centre (Elgin) in the department of Community & School/Pediatrics. Prior to this, Mr. Rogers was the Executive Director of the Child and Family Assessment and Treatment Centre of Brant County, Program Manager of Sarnia Lambton Centre for Children and Supervisor of William Roper Hull Home in Calgary, Alberta. He has also served as Chair of Clarke Road Secondary School Parent/School Council, Co-Chair of the Richmond Row Business Association and is a member of the Ontario Society of Adjudicators and Regulators. Mr. Rogers is the recipient of a Governor General of Canada Award for Community Service.

Mr. Rogers holds a Master of Social Work Degree from the University of Calgary, a Diploma in Child Care from Fanshawe College, London, along with a Certificate in Management and Administration (Honours) from the Canadian Institute of Management in conjunction with The University of Western Ontario, Richard Ivey School of Business.

**FRANCES SANDERSON****(December 2006–December 2008)**

Frances Sanderson was appointed as a part-time Board member in December 2006. Ms. Sanderson is currently the Executive Director at Nishnawbe Homes Inc. Prior to this, Ms. Sanderson was Vice President of Publicity and Advertising at Bowlerama Limited. Her community involvement includes serving on numerous boards and committees, including the Toronto Aboriginal Affairs Committee, the George Brown Aboriginal Education Council, the Toronto Police Service Aboriginal Consultative Committee, the Chief's Advisory Committee and Charles O. Bick College.

**FIZUL SIMA****(December 2006–December 2008)**

Fizul Sima was appointed as a part-time Board member in December 2006. Mr. Sima is the Chair of the Long Term Strategy Committee for the National Council of Aboriginal Federal Employees and President of Local 0137 of the Public Service Alliance of Canada. Mr. Sima is a Civil Servant with the Government of Canada and holds a Bachelor of Arts from the University of Toronto, a Bachelor of Laws from the University of Saskatchewan and is working towards a Master of Business Administration. He has been the recipient of numerous awards and honours within North America for social justice causes.

**DEBORAH SIMON**

(October 2005–October 2008)

Deborah Simon was appointed as a part-time Board member in October 2005. Ms. Simon is a Professional Speaker, Life Coach and Author working with young people and their families. Ms. Simon is an active member of the community and currently volunteers with several organizations involved in Adult Education including Facilitation Inclusion Program at St. Joseph's Immigrant Women's Centre.

**WENDELL WHITE**

(March 1999–September 2012)

Wendell White was appointed as a part-time Board member in March 1999. Mr. White began his career as an elementary school teacher in Simcoe County followed by five years in the Northwest Territories (NWT). While teaching in the NWT, Mr. White was recognized by the Canadian Teachers' Federation for the creation of a Dene cultural program. The Government of the NWT recognized his educational work with a Dedicated Service Award. Mr. White has been the Director of Camping and Outdoor Education with a residential camping organization since 1981. He is the past chair of Loyalist College and in 2004 received his Masters of Law degree from Osgoode Hall Law School, York University, specializing in Alternative Dispute Resolution.

**MARY WONG**

(May 2007–May 2009)

Mary Wong was appointed as a part-time Board member in May 2007. Ms. Wong retired from a 30 year teaching career and has held a position as Head of Co-operative Education. She holds a Bachelor of Arts Degree and a Master of Education Degree from the University of Toronto. Ms. Wong has worked extensively in extra-curricular activities in the area of student leadership and race relations.

## Appendix

The following information provides a description of the various types of CFSRB and CRB applications under each *Act*:

## Child and Family Services Review Board (CFSRB)

### UNDER THE CHILD AND FAMILY SERVICES ACT, THE BOARD MAY REVIEW:

**A children's aid society decision to remove a Crown ward, where the child has resided continuously with the foster parent for two or more years pursuant to s.61;**

**A decision of a children's aid society to refuse an application to adopt a particular child or a decision of a society or licensee to remove a child from an adoption placement pursuant to s.144.**

Under section 61 of the *Act*, a foster parent may apply to the Child and Family Services Review Board to request a review of a proposed decision of a children's aid society to remove a Crown ward, who has lived with the foster parent continuously for two years. The child or children subject to the proposed decision of the society remains with the foster family during the proceedings, unless there is a risk that the child is likely to suffer harm.

Under section 144 of the *Act*, an individual may request a review of a children's aid society decision to refuse an application to adopt a particular child made by a foster parent or other person; or a children's aid society or adoption licensee decision to remove a child who has been placed with a person for adoption.

Under sections 61 and 144, applicants have 10 days after they have received written notice of the society's decision to apply to the Board for a review of the society's decision. Hearings are conducted by a panel of up to three Board members. In order to understand the decision of the society, the Board hears the society's evidence first followed by the applicant's evidence in support of the application. The *Act* provides that if the child is native, a representative of the Band may be present at the hearing as a party.

The Board, after considering all of the evidence, determines which action is in the best interest of the child and based on its determination, rescinds or confirms the decision of the society. The Board's reasons for its decision are issued within 10 days of the completion of the hearing. The legislative time frames for both sections 61 and 144 are outlined on page 42.



**Certain client complaints related to children's aid societies pursuant to s.68 and s.68.1**

The Act and the regulations have modified the internal complaints process of children's aid societies in Ontario. The new complaint process is now standardized throughout the province. Under the new regulations, each children's aid society shall establish an Internal Complaint Review Panel (ICRP) that will hear a complaint and issue a "written summary of the meeting" within 14 days of the meeting.

The Board has authority to review the ICRP process. It also has the authority to hear a complaint made directly to the Board or before the complaint process of the ICRP is completed.

An application can be brought to the Board if the individual believes the children's aid society:

1. Has refused to proceed with his or her complaint;
2. Has failed to respond to his or her complaint within the timeframes required by regulation;
3. Has failed to comply with the complaint review procedure or with any other procedural requirement under the *Child and Family Services Act* relating to the review of complaints;

4. Has failed to comply with clause 2(2)(a) of the *Child and Family Services Act* which states: "Service providers shall ensure that children and their parents have an opportunity where appropriate to be heard and represented when decisions affecting their interests are made and to be heard when they have concerns about the services they are receiving";
5. Has failed to provide reasons for a decision that affects his or her interests;
6. Has inaccurately recorded something on his or her file or record and this has not been resolved through the children's aid society's internal complaint review procedure.

Under the legislative amendments for sections 68 and 68.1 applications, the Board is required to make an eligibility decision within seven days of receipt of the application. Considering the very short timeframe in which to make the eligibility decision, the Board determined that eligibility would be granted when it appears that the allegations fall within the six enumerated grounds. Once eligibility has been established, the Board will proceed to hear the application, including any jurisdictional arguments that might be made.

The Board does not have jurisdiction to hear an application when the matters raised by the applicant have been decided by the Court or are before the Court, and/or when the transitional provision applies. The Act provides that when a complaint has been made before the date of the proclamation of the Act, the old internal complaint review process applies. In the old complaint process there was no appeal or review of the society decision.

Hearings are conducted by a panel of up to three Board members. Pre-hearings are required for all section 68 and 68.1 applications. At this stage, part or all of the issues may be resolved. Motions on jurisdiction are heard at the beginning of the hearing by the panel assigned to the file. If the Board determines that it has jurisdiction, the application proceeds to a hearing on the merits. In the event that the Board finds that it has no jurisdiction, the application is dismissed.

THE ACT AND THE REGULATIONS CREATED  
THE FOLLOWING STEPS FOR  
SECTION 68 & 68.1:



### **An emergency admission of a child to a secure treatment program pursuant to s.124 (ESTA)**

When a child is admitted to a secure treatment facility for a period of up to 30 days pursuant to section 124 of the *Child and Family Services Act*, the administrator of the facility is required to notify the Office of the Provincial Advocate for Children and Youth and the Office of the Children's Lawyer of the admission. The Provincial Advocate's Office is required to ensure that the child is made aware of his or her right to apply to the Board to review the admission. If an application is submitted to the Board, the Office of the Children's Lawyer ensures that the child has legal counsel.

Any person, including the child, may make an application for an order to release the child from the secure treatment program. Counsel appointed to represent the child generally submits the application to the Board. Upon receipt of the application, the Board is required to hold a hearing within five calendar days, including weekends and statutory holidays.

A panel of three Board members will hear the application. The Board may hear testimony from the child, medical and social service professionals, facility staff, family members and any other relevant witnesses.

In order to keep a child in a secure treatment program, the Board members must be satisfied that:

1. The child has a mental disorder;
2. The child has, as a result of the mental disorder, caused, attempted to cause, or threatened to cause serious bodily harm to himself, herself or others;
3. The secure treatment program would be effective to prevent the child from causing or attempting to cause harm to himself, herself or others;
4. The treatment is appropriate for the child's mental disorder and is available at the place of secure treatment;
5. No less restrictive method of providing treatment is appropriate in the circumstances.

At the conclusion of the hearing, the Board issues an order. Reasons for its decision are provided after the hearing. The Board's decisions are binding.

### **A Residential Placement Advisory Committee (RPAC) recommendation with respect to a child's residential placement pursuant to s.36**

A child of 12 years of age or older who is in a residential placement may ask for a review to the CFSRB of the decision of the local RPAC when he or she is dissatisfied with the advisory committee's recommendations, or the advisory committee's recommendations were not followed.

Three Board members will conduct the hearing. The Board is required to inform the child within 10 days of receiving an application whether or not it intends to hold a hearing.

The Board may:

- Order that the child be transferred to another residential placement if the Board is satisfied that the other residential placement is available;
- Order the child to be discharged from the residential placement;
- Confirm the existing placement;
- Attach terms and conditions to its orders.

**A Director's decision to refuse to approve a proposed adoption placement, or to impose a term or condition on an approval, pursuant to s.142**

As the Board did not receive applications under this section, Board processes and procedures are not included.

**UNDER THE EDUCATION ACT, THE BOARD HEARS APPEALS OF:**

**Expulsion of students by school boards pursuant to s.311(5) prior to February 1, 2008.**

The Child and Family Services Review Board heard appeals of school board imposed expulsions. The following persons were entitled to appeal:

- The student's parent or guardian, if the student was a minor;
- The student, if the student was not a minor;
- Any other person who was specified in school board policy.

The appellants were required to apply to the CFSRB in writing within 60 days from the date of the expulsion decision. Three Board members heard the appeal. The CFSRB was required to convene a hearing within 30 days of receiving a written notice of appeal. Pre-hearings were conducted to clearly articulate the issues to be heard and to determine if the matter could be settled at that stage.

After hearing an appeal of a school board's decision, the CFSRB had the following remedial powers:

- Confirm the school board's decision;
- Modify the type or duration of the expulsion;
- Impose, change or remove conditions that must have been satisfied if the student were to return to school;
- Overrule the decision of the school board, reinstate the student and expunge his or her record.

When the hearing was completed, the CFSRB was required to issue written reasons for decision within 10 days.

### **Expulsion of students by school boards pursuant to s.311.7 as of February 1, 2008:**

The Child and Family Services Review Board hears appeals of school board imposed expulsions. The following persons are entitled to appeal:

- The student's parent or guardian, if the student is a minor;
- The student, if the student is not a minor;
- The student, if the student is 16 or 17 years old and has withdrawn from parental control.

The appellants are required to apply to the CFSRB in writing within 30 days from the date of the expulsion decision. Three Board members hear the appeal. The CFSRB is required to convene a hearing within 30 days of receiving written notice of appeal.

After hearing an appeal from a decision of a school board, the CFSRB may:

- Confirm the school board's decision;
- Overturn the expulsion decision and reinstate the pupil to the school, if the school board's decision was to expel the pupil from his or her school only;
- If the school board's decision was to expel the pupil from all schools of the school board:
  - (i) change the expulsion decision to an expulsion from the pupil's school only; or
  - (ii) overturn the expulsion and reinstate the pupil to his or her school;
- Order any record of the expulsion be removed or amended.

Once the hearing is completed the CFSRB is required to issue a decision within 10 days after a hearing.

Written reasons for the decision will be issued within 30 days of the hearing.

### **UNDER THE *INTERCOUNTRY ADOPTION ACT*, THE BOARD MAY REVIEW:**

**A Director's refusal to approve a person as eligible and suitable to adopt for the purpose of an intercountry adoption or the attachment of conditions to a Director's approval pursuant to s.5.**

**A Director's refusal to approve a proposed intercountry adoption or the attachment of conditions to a Director's approval pursuant to s.6.**

As the Board did not receive applications under these sections, Board processes and procedures are not included.

### **UNDER THE S.48.5,48.6,48.7,48.8,48.9(11) OF THE VITAL STATISTICS ACT:**

On January 31, 2007, amendments came into force allowing adopted persons, birth parents and in certain circumstances, adoptive parents, to make an application to the Board for an order prohibiting disclosure of identifying information where the order was appropriate to prevent sexual harm or significant physical or emotional harm. The Board no longer has jurisdiction to hear applications following a decision of the Superior Court of Ontario declaring certain sections of the V.S.I unconstitutional in September 2007.

## Custody Review Board (CRB)

**UNDER S.52(1) OF THE *MINISTRY OF CORRECTIONAL SERVICES ACT*,  
THE BOARD MAY REVIEW:**

**A Provincial Director's decision to hold a young person in or transfer the young person to a maximum security facility (repealed but not yet proclaimed);**

**A decision about a particular placement where a young person is being held, or to which the young person has been transferred;**

**A Provincial Director's refusal to authorize a young person's temporary release or reintegration leave.**

**UNDER S.97(1) OF THE *CHILD AND FAMILY SERVICES ACT*, THE BOARD MAY REVIEW:**

**A particular placement where a young person is being held or to which the young person has been transferred;**

**A Provincial Director's refusal to authorize the young person's temporary release or reintegration leave;**

**The young person's transfer from a place of open custody to a place of secure custody.**

The Custody Review Board provides an independent review of placement decisions made by Provincial Directors for young persons in places of custody and detention.

When a young person enters a custody facility, a probation officer, youth worker, or staff member explains his or her rights to the youth, including the right to a review of a decision that deals with their custody placement. A young person can apply to the Board within 30 days of a Provincial Director's decision to place or transfer him or her to a youth custody facility.

An application is completed by a Board case coordinator in a telephone conversation with the young person. Based on the information provided, the Board determines if an oral hearing is required or if the application can be assigned to a Board member for a review that is conducted through telephone interviews. The Board reviews all relevant material including the issues identified by the young person, while considering information and facts from facility staff, probation officers, advocates, family members or others as appropriate. After reviewing all relevant information, the Board makes a recommendation to the responsible Provincial Director. The Board's recommendations are not binding.



